

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:
TODD NOLAN SELLECK, SR.
ANGELA RENE SELLECK
8078 US HIGHWAY 301 S
FOUR OAKS, NC 27524

CASE NO: 24-00934-5-PWM
CHAPTER 13

Debtors

OBJECTION TO CONFIRMATION

NOW COMES the Chapter 13 Trustee, and hereby moves for entry of an order denying confirmation of the Debtors' chapter 13 plan by finding it does not comply with the provisions of 11 U.S.C. §§ 1322 and or 1325. The basis for this objection is set forth below:

1. The plan does not satisfy the requirements of 11 U.S.C. § 1325(a)(4), as calculated by the Trustee. The Trustee calculates the liquidation test at \$111,156.26 in equity to be paid to allowed joint unsecured claims. The plan provides in part 2.5 that such test requires \$0.00 to be paid to holders of unsecured claims. As of the date of this objection, the Trustee calculates the plan will pay joint unsecured claims \$237.18.
2. The Debtors have included non-standard language in part 8.1 of the chapter 13 plan which excuses them from a standard provision of the plan, a local rule, and one section of a previously entered order of this court. The Trustee requests a hearing on confirmation of the plan be conducted to determine whether inclusion of these provisions is appropriate under 11 U.S.C. § 1322(b)(11) and consistent with title 11 of the U.S. Code, in light of the opinion in *Trantham v. Tate*, No. 22-2263, 2024 WL 3763674 (4th Cir. Aug. 13, 2024).

WHEREFORE, based upon the foregoing, the Trustee respectfully requests that the Court deny confirmation of the plan, and for any other relief the Court deems just and proper.

Dated: August 30, 2024

/s/ Michael B. Burnett
Michael B. Burnett
CHAPTER 13 TRUSTEE
N.C. BAR NO. 42719
PO BOX 61039
RALEIGH, NC 27661-1039
TELEPHONE: (919) 876-1355

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CERTIFICATION OF SERVICE

I, Heather Brown, of PO Box 61039, Raleigh, NC 27661-1039, do certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and

That I have this day caused copies of the foregoing Objection to Confirmation on to be served on the parties listed below by United States mail bearing sufficient postage, or if such interested party is a Filing User, by electronic transmission, pursuant to Local Rule 5005-4(9)(b).

DATED: August 30, 2024

/s/Heather Brown
Case Administrator

By U.S. Mail

DEBTORS

TODD NOLAN SELLECK, SR.
ANGELA RENE SELLECK
8078 US HIGHWAY 301 S
FOUR OAKS, NC 27524

By CM/ECF:

ATTORNEY FOR DEBTORS

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